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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 10/626,750
Filing Date: 07/23/2003
Applicant: Necia Bower and Peter Heller
Examiner/ AU: Not Assigned
Application Title: TRIPOD SUPPORT STAND
Agent Docket No.: Bower.N-01

PETITION TO MAKE SPECIAL MPEP 708.02 (VIII)

Mail Stop: Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner for Patents:

Pursuant to 37 C.F.R. Section 1.102(d) and M.P.E.P. 708.02 VIII (Accelerated Examination), Applicant hereby files this petition in the United States Patent and Trademark Office to make special the prosecution in the above-identified case. This petition is based on the grounds that the claims in this application are believed to be drawn to a single invention, namely, a support stand and its method of use (claims 1-6). However, if the Office determines that all claims presented are not obviously directed to a single invention, applicant will make an election, without traverse.

The present invention teaches the primary core elements of: a collar with leg receivers; at least three legs, and a rotational medial leg brace.

Applicant has conducted a pre-examination search in the following fields of search by class/subclass: 47/39, 41.01, 41.11, 42, 43, 44, 45, 46, 47, 83; 206/423; 211 /85.23; 248/150, 151, 188; D6/403, 404, 405; and D11/143, 152, 153, 154, 155, 156; 47/41.1, 41.12, 41.15; 211/13.1; 248/27.8, 97, 146; D11/144-151; and D34/5, 6. The relevant references found in this search are submitted herewith and are discussed below and it is pointed out with particularity, how the claimed subject matter distinguishes over these references. Based on the search results, it is applicant's opinion that all of the claims in this application are allowable.

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Saxon et al is a published application, U.S. 2002/0078624, teaching a tree support which holds the tree in the desired orientation until its root system can hold the tree in that orientation without the need for additional support. The tree support includes a collar and three or more legs. Positioning screws carried by the collar advance radially inward toward the trunk of the tree to engage the trunk and thereby hold the collar in place. The outer ends of the positioning screws are capped with ornamental medallions. The medallions can carry any design or, for example, initials or information about the tree. One embodiment of leg for the tree stand, is a telescoping, rigid leg that pushes against movement of the tree away from normal orientation. The other embodiment of the leg uses tension on wires connected to anchor screws inserted into the ground to hold the tree upright. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Herbolsheimer, U.S. 2474668, teaches a stool with a seat peripheral down turned flange with inset portions constituting stirrups and an interior annular channel in its lower part. Legs support the seat and the upper portions of each leg have side flanges providing stops. A tongue extends upwardly beyond the stops and an exterior transverse bead is located below the stops. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Strople et al, U.S. 2504902, teaches a stand for supporting flower pots with a pair of leg sections having a pair of spaced diametrically opposed legs and an upper and lower brace extending from one leg to the other held fast at opposite ends to the respective opposed legs. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Gits, U.S. 3604677, teaches a holder for large bags having a flexible liner strip with ends fastened together to form a wide-mouthed hoop and two leg members having shepherd's crook bent ends for enclampingly receiving the hoop. This reference fails to teach the primary core elements of the present invention: at least three legs, and a rotational medial leg brace.

Gallo, U.S. 3076290, teaches a flower pot assembly providing a plurality of similarly formed flower pots arranged in tiers in spaced relation one above the other on the same vertical axis. Legs snap onto the pots and provide a means for mounting on the rim of the pot below. This

reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Grunlund, U.S. 1164714, teaches a stand having a body with two semicircular members with abutting ends with downwardly extending ears pivoted together forming vertically abutting walls, horizontally arranged sockets carried by lower faces and vertically depending flanges between the sockets. Legs are engaged in the sockets for supporting a pot or vase. This reference fails to teach the primary core element of the present invention: a rotational medial leg brace.

Testa, U.S. 2850826, teaches a floral stand with an upper horizontal wire ring, wires within and across the ring reinforcing it, a lower horizontal wire ring, and three V-shaped mutually divergent long legs formed of bent wire. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; at least three legs, and a rotational medial leg brace.

Rothermel, U.S. 1830769, teaches a vase holder having a ring mounted on three legs, the ring formed from a unitary metallic strip with overlapping ends having coextensive slots. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers, the legs are riveted into place on the collar; and a rotational medial leg brace.

Bindon, U.S. 1615611 teaches a vase with a toke encircling the vase and plural legs attached to the yoke and a means for connecting the legs in an adjusted position. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Cordley, U.S. 1015615, teaches a water cooler stand with a ring adapted to support a water cooler on plural legs, the upper ends of which are bent into contact with the ring. A brace member connects the legs. The assembly is screwed together. This reference fails to teach the primary core element of the present invention: a rotational medial leg brace.

Bonomo, U.S. 5499787 teaches a bag holder for supporting an open-ended bag of flexible material in position for filling, comprising a plurality of separate segments configured to be releasably joined together to form a ring member having an external, bag contacting surface. Legs are provided for supporting the ring member in a substantially horizontal attitude slightly above ground level. Each of the separate segments constituting the ring member is essentially flat and of elongate, slightly curved construction, with each segment having first and second ends equipped with joiner devices that are able to be readily interfitted. The first end of a first segment is joinable with the second end of a second segment, and the first end of the second segment is joinable with the second end of a third segment, with such joiner of first and second ends of the segments continuing until the completed ring member of sturdy construction is defined. Advantageously, the completed ring member presents an external surface that slopes outwardly and downwardly, over which external surface the open end of the flexible bag can be extended. A suitable tension-applying device surrounds the external surface of the ring member for holding the flexible bag in a tight, non-slip relationship to the external surface of the ring member. Because the segments are releasably joined together, they can be readily separated after use, and stored in a flat container. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Johnson, U.S. 4899967, teaches a readily assembled and disassembled portable flexible bag holder comprising an annular member having an annular recess formed in its outer peripheral surface and a partially inflated air impervious flexible annular tubular member seated in the annular recess and having an annular contacting relationship therewith. A plurality of arcuate members are provided for contacting a portion of the open end portion of a flexible bag that has been stretched over the annular member and the air impervious flexible annular tubular member. A plurality of clamps are provided to urge each of the arcuate members in radially inward directions to clamp a portion of the open end portion of the flexible bag between each of the arcuate members and a radially opposite portion of the air impervious flexible tubular annular member. A leg is removably secured to each of the arcuate members for holding the open-end portion of the flexible bag a distance above a support surface. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Zimmerman, U.S. 5375370, teaches a plate symmetrically oriented about an axis, having a plurality of annular arrays of openings directed through the plate, with the openings of adjacent annular arrays offset relative to one another to each permit reception of individual flower stems through the guide plate, with the guide plate having support legs removably mounted thereto and permitting positioning of the guide plate within a container for the support of flowers and the like. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Hendrix et al, U.S. 5996813 teaches a flower arrangement stand with multiple workstation blocks for maintaining pew and bouquet holders stable while making up flower arrangements using the holders. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; at least three legs, and a rotational medial leg brace.

Cheng, U.S. D384222, teaches a design for a plant stand. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Chipman, U.S. D422390 teaches a design for a receptacle frame. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Cardelli, U.S. D133368, teaches a design for a flowerpot and holder. This reference fails to teach the primary core elements of the present invention: a collar with leg receivers; and a rotational medial leg brace.

Gibson et al, U.S. 4,889,300 teaches a support structure for a flimsy plastic bag including a plastic loop, sleeves mounted on the loop, elongated legs carried in the sleeves and loop and sleeves sized to receive a plastic bag. This reference fails to teach the primary core element of the present invention: a rotational medial leg brace.

In summary, in accordance with the above remarks, we find that the instant invention clearly distinguishes over the foregoing references found in our preliminary patentability search with

respect to 35 USC 102 in that none of the references teaches all three of the critical core elements. Additionally, we find that no combination of elements borrowed from these references, under 35 USC 103 could be construed to teach the instant invention with respect to the core critical elements in that none of the references teach a folding medially positioned brace.

Check No. 1926 including an amount of \$130.00 to cover the required fee for a 37 C.F.R. Section 1.102(d) petition, for a small entity, is enclosed herewith. Please advise if any additional fees are required, or overpayment refund due.

In view of the above, applicant hereby petitions that the above-cited application be made special and advanced for examination, and applicant advised thereof.

Very respectfully,

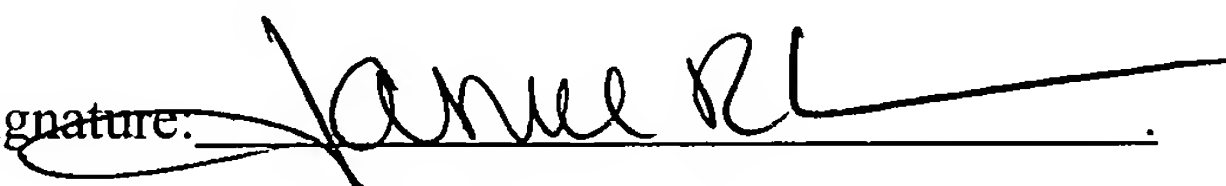


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CERTIFICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to: "Mail Stop: Petitions, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450," on February 11, 2004, date of deposit.

Signature: 

Person Mailing This Document